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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,802	03/26/2001	Christopher Stephen Taylor	005312.00004	8361

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WASHINGTON, DC 20001

EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/817,802	Applicant(s) TAYLOR ET AL.	
	Examiner Kyung H Shin	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/30/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responding to application filed on 3/26/2001.
2. Claims 1-20 are pending. Claims 1, 10, 17 and 20 are independent.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**5. Claims 1 - 20** are rejected under 35 U.S.C. 102(e) as being anticipated by **Eyal, (US Patent No. 6,389,467; filed on May 2, 2000: Streaming media search and continuous playback of multiple media resources located on a network)**

**Regarding Claim 1**, A computer-implemented method for continuously playing media clips, comprising:

- creating a play list to be used on a client, wherein the play list includes a plurality of references used to request media clips; (see Fig. 18, col. 9, lines 13-21; col. 15, lines 37-45: *"The play-list generator module 260 may create play-lists 284 from .... stored in the database system for media links and metadata stored in table 247. "*)
- sending the play list to the client; (see col. 30, lines 27-28: *"Once the play-list is received by the user terminal, "*)
- receiving a request for a media clip associated with one of the plurality of references; (see col. 2, lines 35-42: *"receives a request for media playback from the network enabled device, selects multiple addresses from the database, ...to automatically access and play back the media network resource associated with the addresses."*)
- redirecting the request to a media server, wherein a dynamically selected media clip is substituted for the requested media clip. (see col. 14, lines 33-38: *"an editor module 232 may interface with database management system 245 .... may substitute editor module",* and col. 27, lines 5-7: dynamically select a media

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clip *"the play-lists may be dynamically generated by the play-list module, in response to a search criteria signaled from a user terminal."*)

**Regarding Claim 2,** The method of claim 1 wherein the client includes a media player.

(see col. 2, lines 13-16: *"on the user terminal, such as a web browser application or a Streaming Media player"*)

**Regarding Claim 3,** The method of claim 2 wherein the client is a media player. (see col. 13, lines 9-12: *"The playback interface causes the media player component on the user terminal to play media associated with media links in each play-list."*)

**Regarding Claim 4,** The method of claim 1 wherein the play list includes references to dummy media clips used to redirect requests. (see col. 13, lines 1-3: *"links to streaming media commercials may be inserted into the play-lists in various locations between media clips."*) Non-regular media clips (dummy clips) are inserted into playback list.

**Regarding Claim 5,** The method of claim 1 wherein redirecting the request comprises applying rules to determine the substituted clip on the media server. (see col. 15, lines 31-36: *"For example, metadata editor interface 275 may be used to add information to media and metadata table 247 information such as genre of the web resource, description of the web resource, and system predefined information, such as mood and*

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*mix, that are found applicable by the editor to the web resource.") system predefined information or rules to select media clips*

**Regarding Claim 6,** The method of claim 1 wherein redirecting the request comprises:

- receiving user input; (see col. 36, lines 7-14: *"In addition, the user-interface 1900 enables users to, for example, view advertisement, receive electronic messages, and create and manage play-lists. "*)
- selecting the media server to redirect the request to using the user input. (see col. 21, lines 23-34: *"This allows the system 200 to display the web site associated with the media resource selected to be played back on user terminal 210."*)

**Regarding Claim 7,** The method of claim 1 wherein redirecting the request comprises:

- retrieving preference data; (see col. 19, lines 35-40: *"the web server module 270 accesses the media and metadata database 247 to retrieve one or more URLs matching the search request."*)
- selecting the media server to redirect the request to using the preference data. (see col. 42, lines 37-44: *"the network server module .... the selected addresses substantially .... the media resources ..... in the plurality of user-interactive features."*)

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**Regarding Claim 8,** The method of claim 7 wherein the preference data is located on the client. (see col. 42, lines 37-44: *"the playback interface 1020 includes features to enable a user on the user terminal to make entries or selections regarding preferences and opinions,"*)

**Regarding Claim 9,** The method of claim 7 wherein the preference data is retrieved from a database. (see col. 6, line 64 - col. 7, line 1: *"In a variation, the address may be selected by the play-list module based on a criteria stored with the address in the database. Examples of criterias include rankings, reflecting preferences of users on terminals"*)

**Regarding Claim 10,** A system for continuously playing a plurality of media clips, comprising:

- a client including a streaming media player; (see col. 10, lines 1-4: *"Further, streaming media may be continuously outputted to users from multiple sites.....on personalized criteria set forth by users."*)
- a server coupled to the client, wherein the server creates a play list which causes the streaming media player to query the server for each of the plurality of media clips, (see col. 27, lines 26-28: *"The play-list generator module creates and stores play-list on the web server module to provide the interface with the user terminal 210 and media player stored thereon"*)



and wherein the server responds to at least one query by redirecting the client to a media server. (see col. 17, lines 39-42: *"The module queries the database for a batch of media records using the Media module 340"*)

**Regarding Claim 11,** The system of claim 10 wherein the server creates the play list using preferences. (see col. 33, lines 12-15: *"The play-lists may be personalized for the user of the end terminal 1710. For example, play-lists may be generated for preferences and profiles specified by the user of user terminal."*)

**Regarding Claim 12,** The system of claim 11 wherein the preferences are stored on the client. (see col. 2, lines 17-20: *"The network server module is able to receive a search request from the terminal that specifies one or more criterias. The network server module selects an address from the database that is associated with a class of information that matches the search criteria."*) Preference information, which is stored on client, is transferred from client to server.

**Regarding Claim 13,** The system of claim 11, further comprising a database coupled to the server, wherein the preferences are stored on the database. (see col. 6, line 64 - col. 7, line 1: *"... , the address may be selected by the play-list module based on a criteria stored with the address in the database. Examples of criterias include rankings, reflecting preferences of users on terminals"*)

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**Regarding Claim 14,** The system of claim 10, further comprising a database. (see col. 1, lines 54-55: *"The method further includes accessing a database comprising a plurality of network addresses, ... Each address accesses a media network resource."*)

**Regarding Claim 15,** The system of claim 14 wherein the database includes rules for redirecting the client to the media server. (see col. 16, lines 6-9: *"enables users to skip playback of media clips, or to switch categories. For example, a user on user terminal 210 may select to hear Jazz programming, and then switch to a genre of classical music."*) redirect (or switch) play-list entries

**Regarding Claim 16,** The system of claim 14 wherein the database includes preferences used in redirecting the client to the media server. (see col. 6, line 64 - col. 7, line 1: *"In a variation, the address may be selected ... based on a criteria stored with the address .... Examples of criterias include ... preferences of users ... playing back media located by the respective addresses."*) Media clips are selected based on preferences.

**Regarding Claim 17,** A computer-readable medium including computer-executable components for continuously playing media clips in a play list using a player that requests and buffers a next media clip in the play list prior to a currently playing media clip finishing, comprising:  
a server including:

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- a generator that automatically generates the play list, wherein the play list includes at least one reference that causes the player to request information associated with a media clip from the server, (see col. 9, lines 14-16: "*..., the media playback component on the user terminal interacts with one or more play-lists generated by server side modules.*")
- a redirector that receives the player's request and automatically redirects it to a media content server using a user preference and a media provider preference. (see col. 29, lines 29-32: "*The playback interface ... to enable a user on the user terminal to make entries or selections regarding preferences and opinions, as well as other types of information.*") redirect based on preferences

**Regarding Claim 18,** The computer-readable medium of claim 17 wherein the media provider preference comprises rules for selecting the media content server. (see col. 15, lines 31-36: "*For example, metadata editor interface 275 may be used to add information to media and metadata table 247 information such as genre of the web resource, description of the web resource, and system predefined information, such as mood and mix, that are found applicable by the editor to the web resource.*") system predefined information or rules to select media clips

**Regarding Claim 19,** The computer-readable medium of claim 17 wherein the media provider preference comprises user inputted data. (see col. 3, lines 61-65: "*The user-interface signals one or more inputs from a user to the web server module. The one or*

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*more inputs direct the web server to alter the designated order in which the database signals the plurality of links to the web server module.”)*

**Regarding Claim 20,** An apparatus for continuously playing media clips, comprising:

- means for generating a play list; (see col. 9, lines 14-16: *“the media playback component... interacts with one or more play-lists generated by server side modules.”)*
- means for requesting, receiving, and playing a media clip using the play list; (see col. 10, lines 17-23: *“A user ... transmit a search request from an end user to one or more modules on a server. A client side playback module, one or more server-side modules, or a combination of client and server side modules combine to access the user terminal to a site on the Internet that contains media content immediately available for loading and playback.”)*
- means for redirecting each request for the media clip to a media server. (see col. 13, lines 12-16: *“The playback interface may include features to manipulate play-lists, or to switch between play-lists. ... , the playback interface may allow for a user to skip media or web resources until a preferred media or web resource is located.”)*

#### **Contact Information**

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H Shin whose telephone number is 703-305-0711. The examiner can normally be reached on 10 - 6.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*KHS*

Kyung H Shin  
Patent Examiner  
Art Unit 2143

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July 11, 2004

  
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